

03-R-0245

Entered - 12/31/02 - sb
CL02L0952 - DIANNE C. MITCHELL

CLAIM OF: **HEATHER KERWIN**
470 Lakeshore Drive
Atlanta, Georgia 30307


ADOPTED BY
MAY 0 8 2003
COUNCIL

For damages alleged to have been sustained as a result of vehicular damage due to driving over an unraised manhole on November 19, 2002 at 1230 East Rock Springs Road.


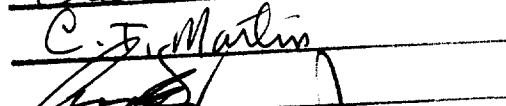
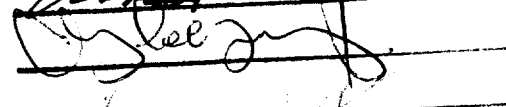

BY PUBLIC SAFETY AND
LEGAL ADMINISTRATION COMMITTEE:

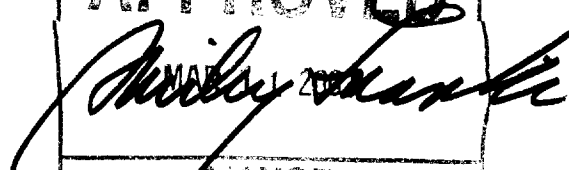
BE IT RESOLVED by the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **HEATHER KERWIN** the sum of **\$1,374.87** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for damages alleged to have been sustained as a result of vehicular damage due to driving over an unraised manhole on November 19, 2002 at 1230 East Rock Springs Road as is more particularly set forth in the within claim; said sum taken from and charged to account **1A01/529017/T31001**, Settlement of Suits and Claims, Department of Law.

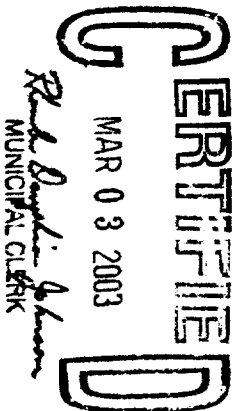
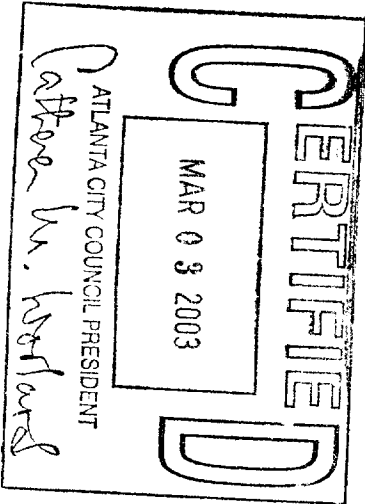
APPROVED: **LINDA K. DISANTIS**
CITY ATTORNEY

BY: 
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

FAVORABLE REPORT

COMM: Public Safety
DATE: 2-25-03
CHAIR: 
C. J. Martin




APPROVED

MAYOR





**MUNICIPAL CLERK
ATLANTA, GEORGIA**

03-R-0245

A RESOLUTION

**BY PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE**

BE IT RESOLVED BY the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **Heather Kerwin** in the sum of **\$1,374.87** in full settlement and satisfaction of all claims, past, present and future, of every kind and character, for damages alleged to have been sustained as a result of vehicular damage due to driving over an unraised manhole on **November 19, 2002 at 1230 East Rock Springs Road** as is more particularly set forth in the within claim; said sum taken from and charged to Account 1A01/529017/T31001, Settlement of Suits and Claims, Department of Law.

A true copy,

Phenda Daughlin Johnson
Municipal Clerk, CMC

**ADOPTED by the Council
APPROVED by the Mayor**

**MAR 03, 2003
MAR 11, 2003**

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 02L0952

Date: February 5, 2003

Claimant /Victim HEATHER KERWIN

BY: (Atty)(Ins. Co.) _____

Address: 470 Lakeshore Drive, Atlanta, Georgia 30307

Subrogation: _____ Claim for Property damage \$ 1,274.87 Bodily Injury \$ _____

Date of Notice: 12/17/02 Method: Written, proper X Improper _____

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 11/19/02 Place: 1230 East Rock Springs Road

Department Public Works Bureau: Highways and Streets

Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant damaged her vehicle when she drove over an unraised manhole. The investigation determined that the City failed to raise the manhole during a re-paving project.

INVESTIGATION:

Statements: City employee X Claimant _____ Others _____ Written _____ Oral X

Pictures X Diagrams _____ Reports: Police _____ Dept Report _____ Other _____

Traffic citations issued: City Driver _____ Claimant Driver _____

Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

Function: Governmental _____ Ministerial X


Improper Notice _____ More than Six Months _____ Other _____ Damages reasonable X

City not involved _____ Offer rejected _____ Compromise settlement _____

Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____

Claimant Negligent _____ City Negligent X Joint _____ Claim Abandoned _____

Respectfully submitted,


INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ 1,374.87 Adverse _____ Account charged: 1A01 X 2J01 _____ 2H01 _____ 2P01 _____

Claims Manager:  Concur/date 02-06-03

Committee Action: _____ Council Action _____

RCS# 4504
3/03/03
2:24 PM

Atlanta City Council

Regular Session

CONSENT 1

Pgs. 1-11: Except 03-R-0321;

Adopt

YEAS: 12
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 4
EXCUSED: 0
ABSENT 0

| | | | |
|-----------|-------------|------------|------------|
| NV Smith | Y Archibong | Y Moore | Y Mitchell |
| Y Starnes | Y Fauver | Y Martin | NV Norwood |
| Y Young | Y Shook | Y Maddox | Y Willis |
| Y Winslow | Y Muller | NV Boazman | NV Woolard |

CONSENT 1

| 3/03/03 FULL COUNCIL MEETING | |
|--|---|
| Items Adopted on the Consent Agenda | Items Adversed on the Consent Agenda |
| 1. 03-O-0154 | 32. 03-R-0244 |
| 2. 03-O-0155 | 33. 03-R-0246 |
| 3. 03-O-0156 | 34. 03-R-0247 |
| 4. 03-O-0157 | 35. 03-R-0248 |
| 5. 03-O-0158 | 36. 03-R-0249 |
| 6. 03-O-0159 | 36.03-R-0250 |
| 7. 03-O-0227 | 37.03-R-0251 |
| 8. 03-O-0230 | 38.03-R-0252 |
| 9. 03-O-0231 | 39. 03-R-0253 |
| 10. 03-O-0278 | 40. 03-R-0254 |
| 11. 03-R-0232 | 41. 03-R-0255 |
| 12. 03-R-0285 | 42. 03-R-0256 |
| 13. 03-R-0216 | 43. 03-R-0257 |
| 14. 03-R-0222 | 44. 03-R-0258 |
| 15. 03-R-0309 | 45. 03-R-0259 |
| 16. 03-R-0226 | 46. 03-R-0260 |
| 17. 03-R-0283 | 47. 03-R-0261 |
| 18. 03-R-0284 | 48. 03-R-0262 |
| 19. 03-R-0324 | 49. 03-R-0263 |
| 20. 03-R-0237 | 50. 03-R-0264 |
| 21. 03-R-0238 | 51. 03-R-0265 |
| 22. 03-R-0239 | 52. 03-R-0266 |
| 23. 03-R-0240 | 53. 03-R-0267 |
| 24. 03-R-0241 | 54. 03-R-0268 |
| 25. 03-R-0242 | 55. 03-R-0269 |
| 26. 03-R-0243 | 56. 03-R-0270 |
| 27. 03-R-0245 | 57. 03-R-0271 |
| 28. 03-R-0279 | 58. 03-R-0272 |
| 29. 03-R-0280 | 59. 03-R-0273 |
| 30. 03-R-0281 | 60. 03-R-0274 |
| 31. 03-R-0282 | 61. 03-R-0275 |
| | 62. 03-R-0276 |
| | 63. 03-R-0277 |

Consent I Vote: 12Yeas; 0 Nays: (See RCS #4504)
Item Removed from the Consent Agenda: 03-R-0321